



APPLICATION ACCEPTED: September 29, 2014
PLANNING COMMISSION: October 1, 2015
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

September 16, 2015

STAFF REPORT

APPLICATION SE 2014-HM-066

HUNTER MILL DISTRICT

APPLICANT: Sports Authority, Inc.

ZONING: C-7, SC and HC

PARCELS: 29-3 ((1)) 32

LOCATION: 8355 Leesburg Pike

ACREAGE: 14.02 acres

PLAN MAP: Transit Station Mixed Use, Park/Open Space, Residential Mixed Use

SE CATEGORY: Section 9-620, Waiver of Certain Sign Regulations (Group 6, Use 17)

PROPOSAL: To increase the permitted sign area of a freestanding sign in a commercial development.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-HM-066 subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board of Supervisors, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Bob Katai

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this Special Exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505; (703) 324-1290; TTY 711 (Virginia Relay Center).

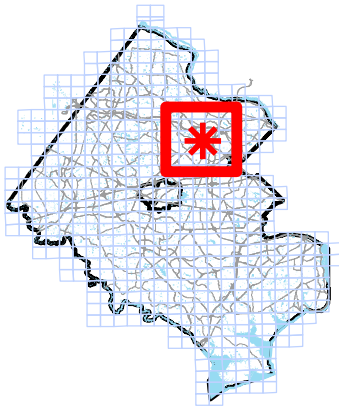
O:\BKatai\Sports Authority Sign\Staff Report and Conditions\00 - Consolidated PDF Staff Report



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2014-HM-066



Applicant:

SPORTS AUTHORITY, INC.

Accepted:

09/29/2014

Proposed:

MODIFICATION OF CERTAIN SIGN REGULATIONS TO PERMIT INCREASE IN SIGN AREA

Area:

14.02 AC OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 09-0620

Located: 8355 LEESBURG PIKE, VIENNA, VA 22182

Zoning: C- 7

Plan Area: 2

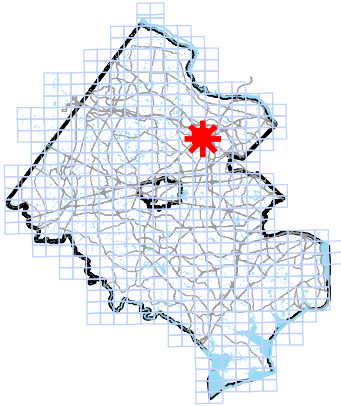
Overlay Dist: SC HC

Map Ref Num: 029-3- /01/ /0032



Special Exception

SE 2014-HM-066



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SPORTS AUTHORITY, INC.

Accepted:

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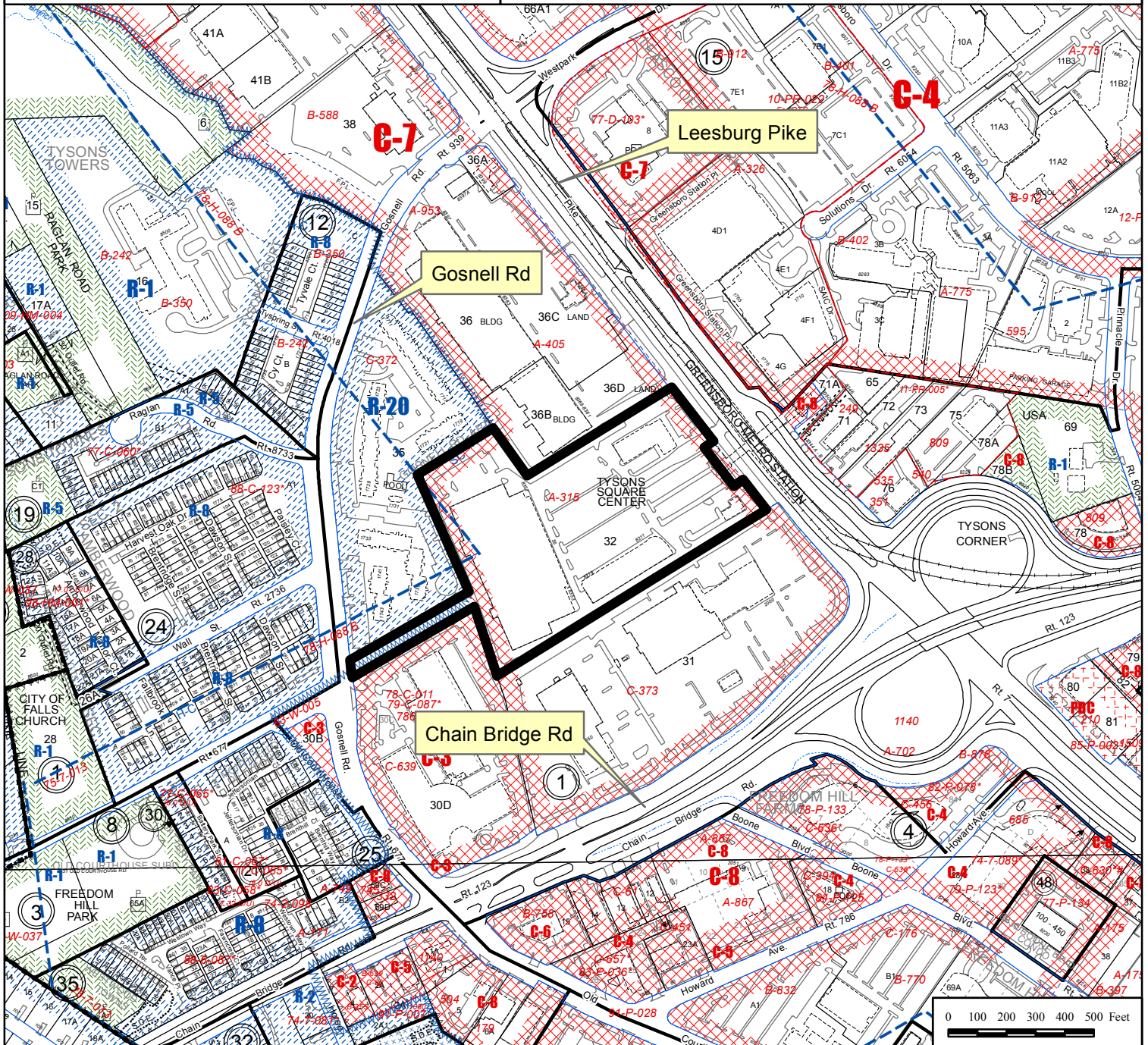
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Overlay Dist: SC HC

Map Ref Num: 029-3- /01/ /0032



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Department of Planning & Zoning

JUN 04 2014

Zoning Evaluation Division

**SPORTS
AUTHORITY®**

8355 Leesburg Pike
Vienna, VA 22182

Tax Map No.: 0293 01 0032

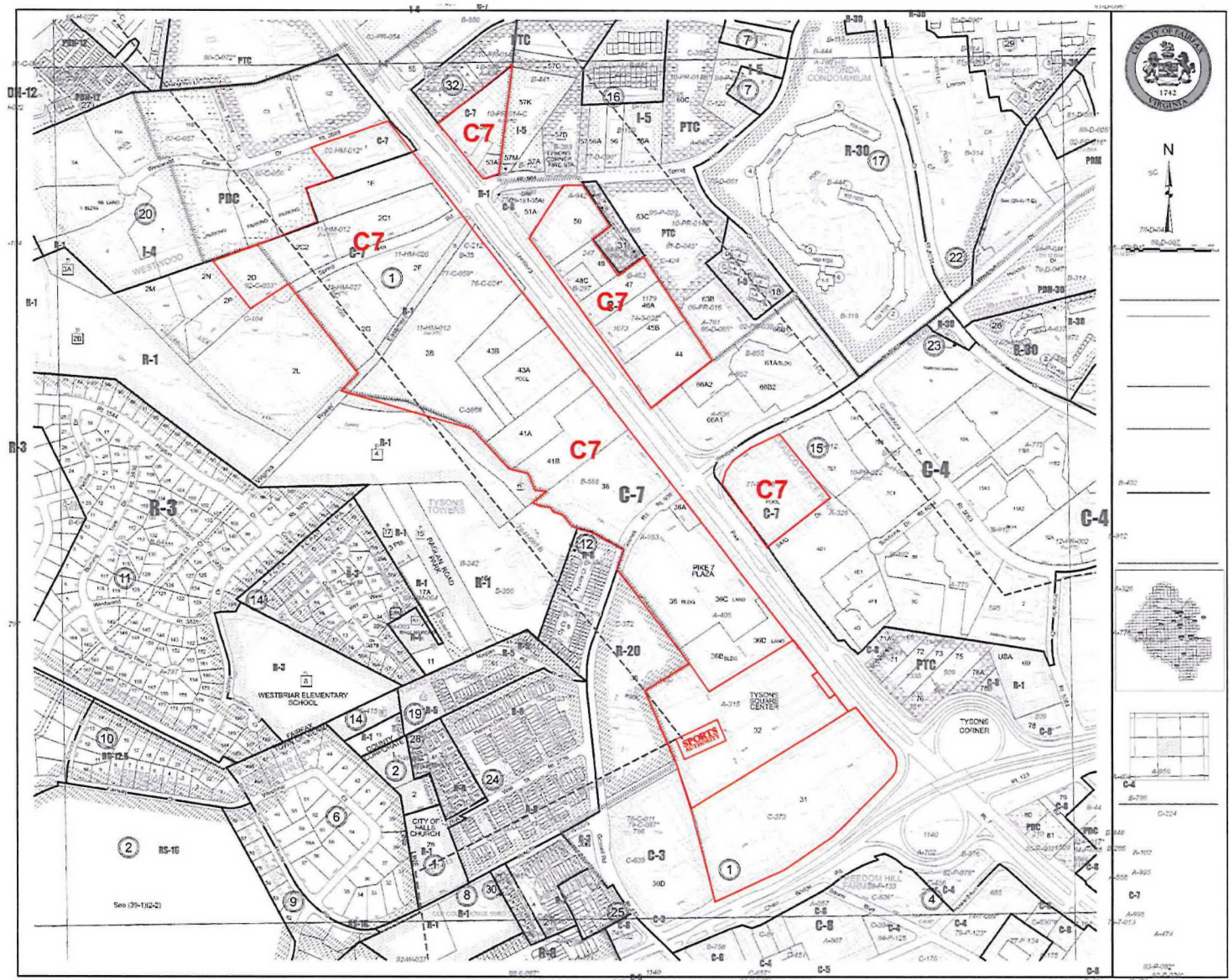
June 2, 2014



Ph: 1 . 800 . 599 . 7696
Fax: 1 . 574 . 237 . 6166
www.siteenhancementservices.com

8355 Leesburg Pike
Vienna, VA 22182
Tax Map No.: 0293 01 0032

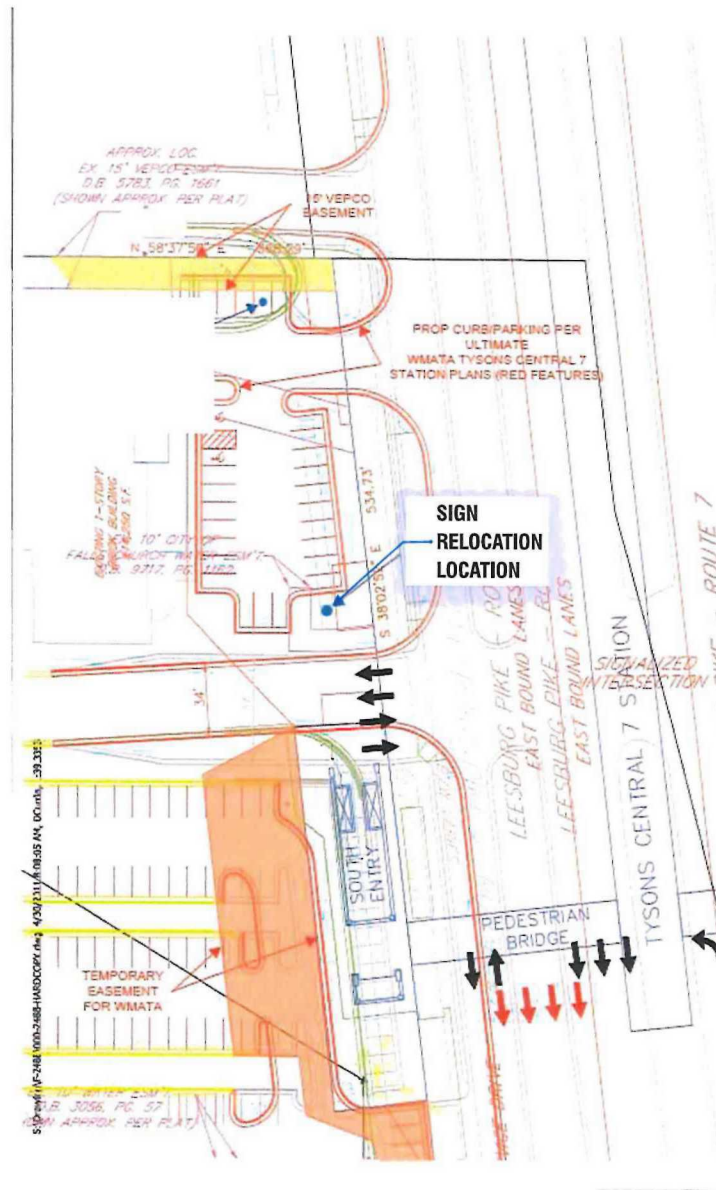
Zoning Map



8355 Leesburg Pike
Vienna, VA 22182

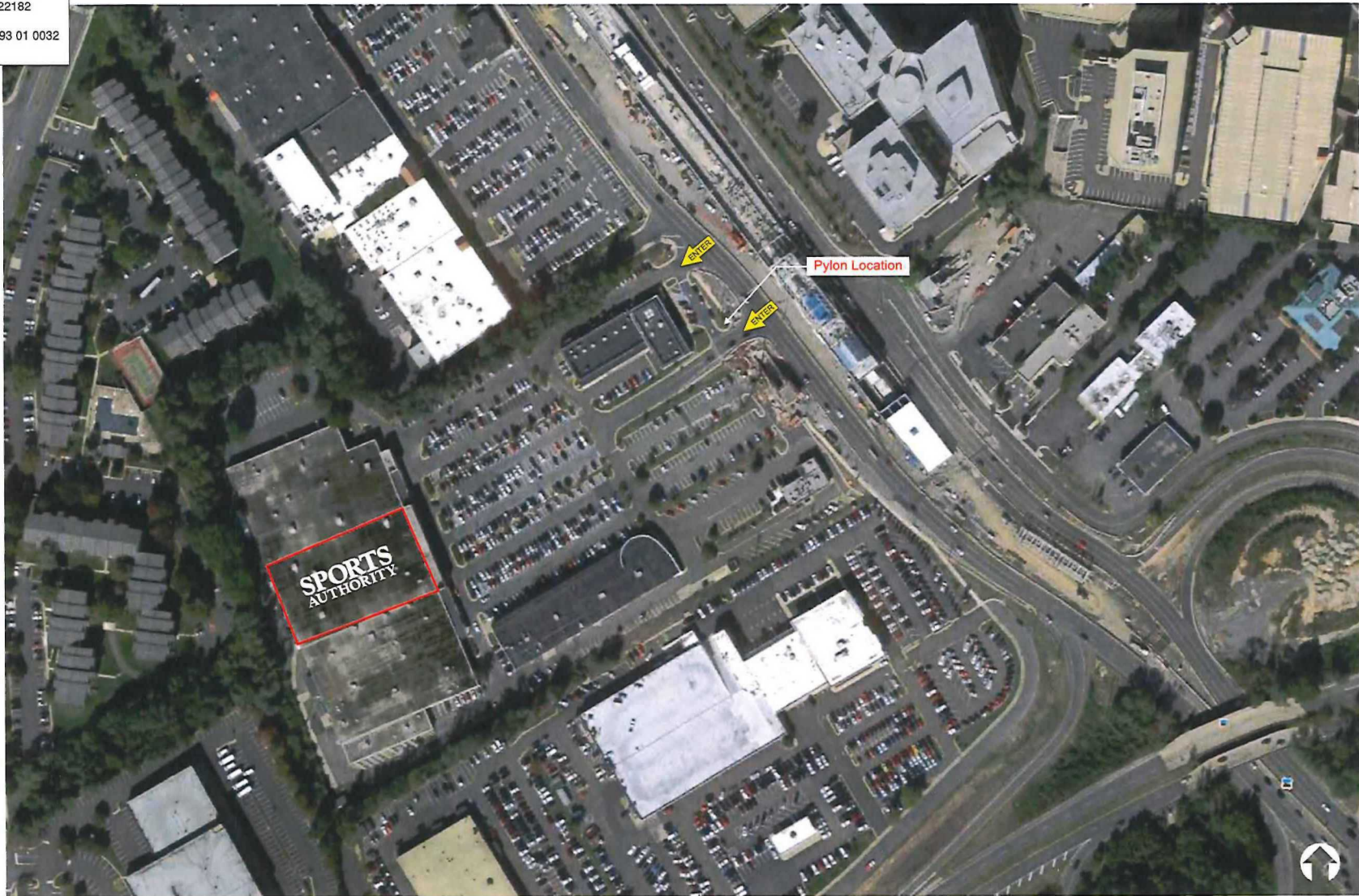
Tax Map No.: 0293 01 0032

Site Map

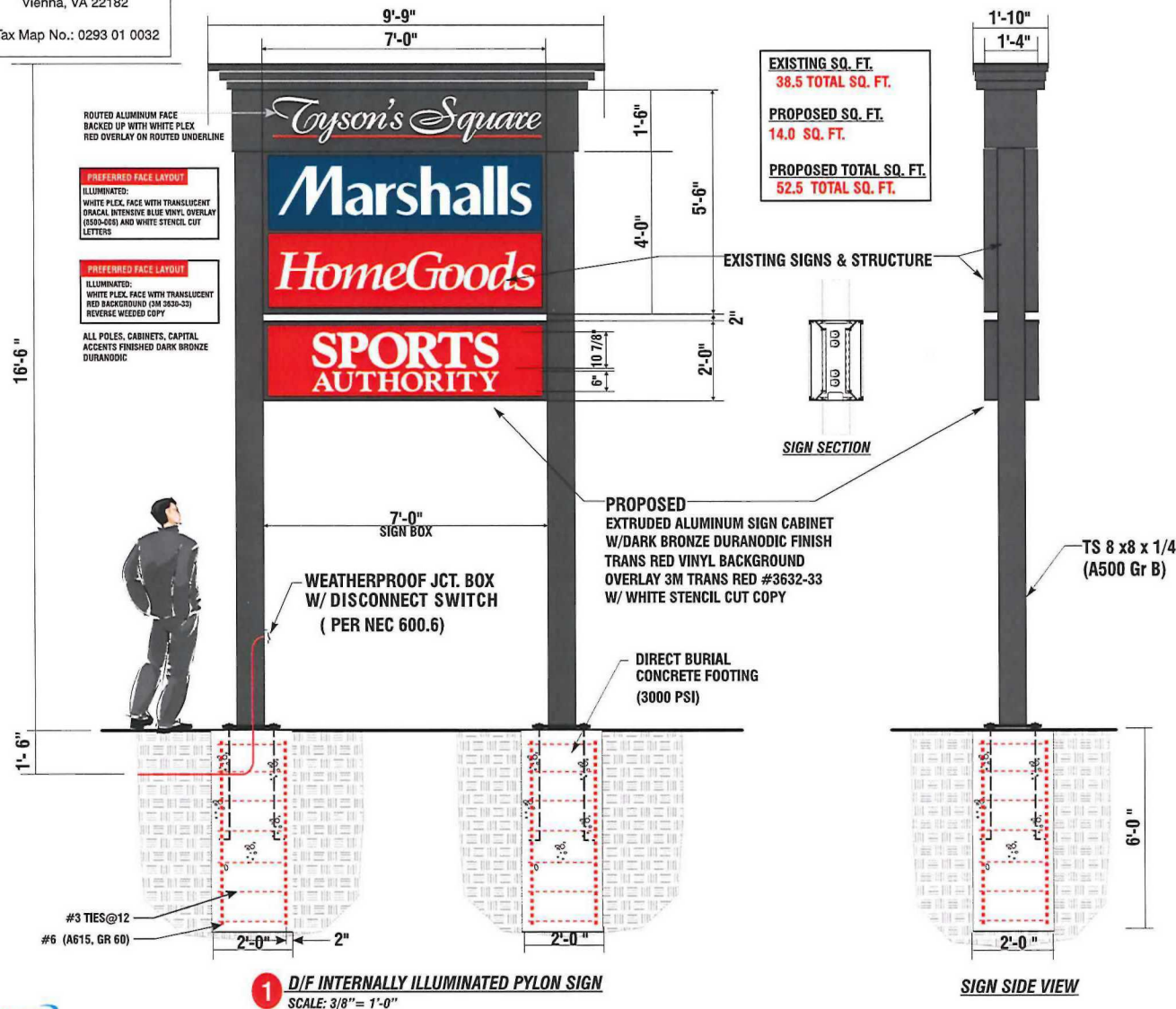


Aerial Map

8355 Leesburg Pike
Vienna, VA 22182
Tax Map No.: 0293 01 0032



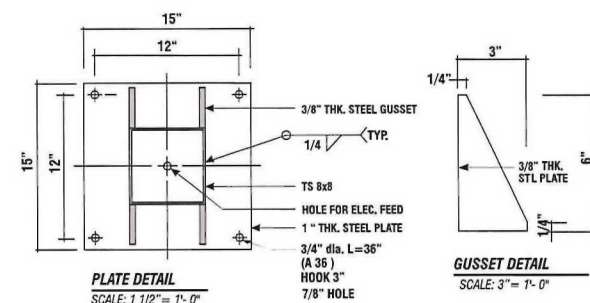
8355 Leesburg Pike
Vienna, VA 22182
Tax Map No.: 0293 01 0032



Proposed Signage



EXISTING D/F ILLUMINATED PYLON CONDITIONS



**NOTE: DESIGN WIND-90 MPH
IBC.2009**

 <p>REQUIRED</p>	<p>URGENT - ATTN: ELECTRICIANS</p> <p>NEW UL 2167 0.52 SIGN TRANSFORMER REQUIRE THAT ALL CIRCUITS MUST HAVE DEDICATED HOT, NEUTRAL, GROUND TERMINATING AT PANEL</p> <p>QUESTIONS CALL 609-440-7967x145</p>	<p>CIRCUITS REQUIRED</p> <p>TWO (2) 20 AMP 120 VOLT CIRCUITS REQUIRED</p>	<p>SIGN MUST BE GROUNDING IN COMPLIANCE W/ ARTICLE 600 OF THE NATIONAL ELECTRIC CODE</p>
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D/F ILLUMINATED PYLON SIGN

8355 Leesburg Pike
Vienna, VA 22182

Tax Map No.: 0293 01 0032

Sports Authority Storefront



8355 Leesburg Pike
Vienna, VA 22182

Tax Map No.: 0293 01 0032

Nearby Businesses



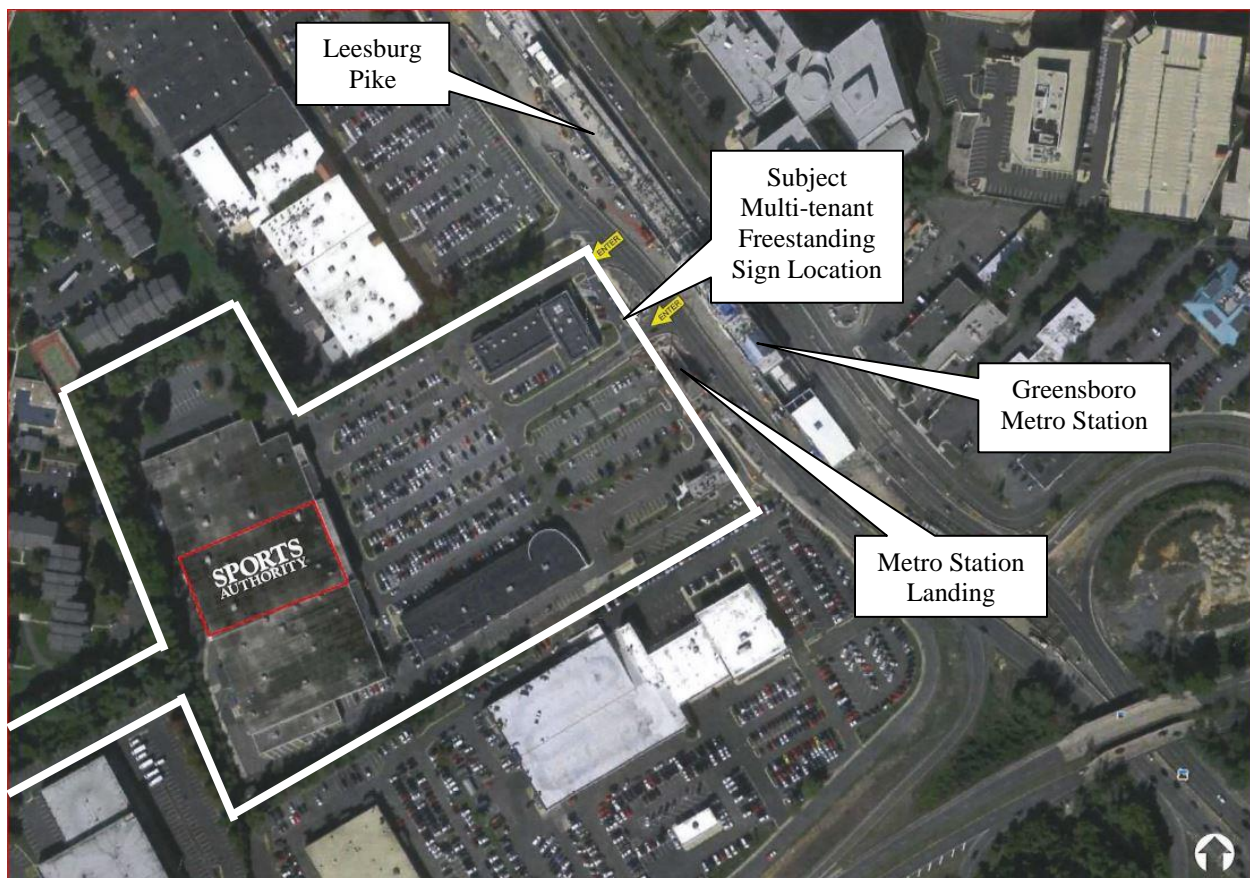
DESCRIPTION OF THE APPLICATION

The applicant, Sports Authority, Inc., requests approval of a special exception to permit a waiver of certain sign regulations in accordance with Sect. 9-620 of the Zoning Ordinance. Specifically, the applicant requests to increase the sign area of a freestanding sign to 52.5 square feet, which is 12.5 feet square feet above the maximum of 40 square feet allowed by the Zoning Ordinance. A copy of the special exception drawings and photos showing the sign location and addition are included at the front of the staff report. The proposed development conditions, applicant's Statement of Justification, and affidavit are contained in Appendices 1 through 3, respectively.

LOCATION AND CHARACTER

Site Description

The subject freestanding sign is the primary identification sign for the Tysons Square Center Shopping Center. The retail establishment is located at Tax Map Parcel 29-3 ((1)) 32, on the south side of Leesburg Pike, approximately midway between Chain Bridge Road and Gosnell Road. The shopping center includes Marshalls and HomeGoods, as well as the applicant, Sports Authority (located at 8355 Leesburg Pike), and a number of other retailers. The center is laid out in a "U" shape, with stand-alone structures forming the legs that visually demarcate the center's large surface parking lot.



The center's back building (the bottom of the "U") contains Marshall's, HomeGoods, and Sports Authority. These stores are set back approximately 650 feet from Leesburg Pike. Besides the various retail uses, the Greensboro Metro Station western landing shares the site's Leesburg Pike frontage.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Shopping Center (Pike 7 Plaza)	C-7, HC, SC	Transit Station Mixed Use
East	Approved for multifamily residential and office with ground floor retail; Existing office and retail	PTC, HC, SC; C-4, HC, SC	Transit Station Mixed Use
South	Multi-family residential; Office	C-3, HC, SC; R-20, H-C	Residential Mixed Use
West	Auto Dealership (Koons)	C-7, HC, SC	Transit Station Mixed Use

BACKGROUND

The 14.02-acre site was initially site planned in the 1970s for a shopping center. Since that time, there have been a number of tenant changes and site modifications. On November 5, 2010, the County issued a permit to relocate the subject freestanding sign to accommodate widening of Leesburg Pike associated with the construction with Metro's Silver Line. Following completion of the sign's relocation, as-built drawings and surveys were not required.



Currently, the Tysons Square Center freestanding sign, besides identifying the shopping center, contains tenant signs from Marshalls and HomeGoods. (A photo of this sign is provided on the previous page.) The applicant, Sports Authority, Inc., would like to add a third panel for its store location to be placed below the two existing panels.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	II
Urban Center:	Tysons Corner
Planning District:	Tysons Central 7 District
Subdistrict:	South Subdistrict
Plan Map:	Transit Station Mixed-Use, Park/Open Space, Residential Mixed Use

Site Specific Text: The Comprehensive Plan notes that the existing land use in this subdistrict is a mix of retail, auto dealerships, office and multi-family residential uses. The Plan has no site specific text related to signage. Instead, the Plan defers to the Tysons Corner Urban Design Guidelines (TCUDG), which were endorsed by the Board of Supervisors in January 2012. The TCUDG does not address changes to existing signs; instead, it discusses new signage proposed as part of the redevelopment of a site.

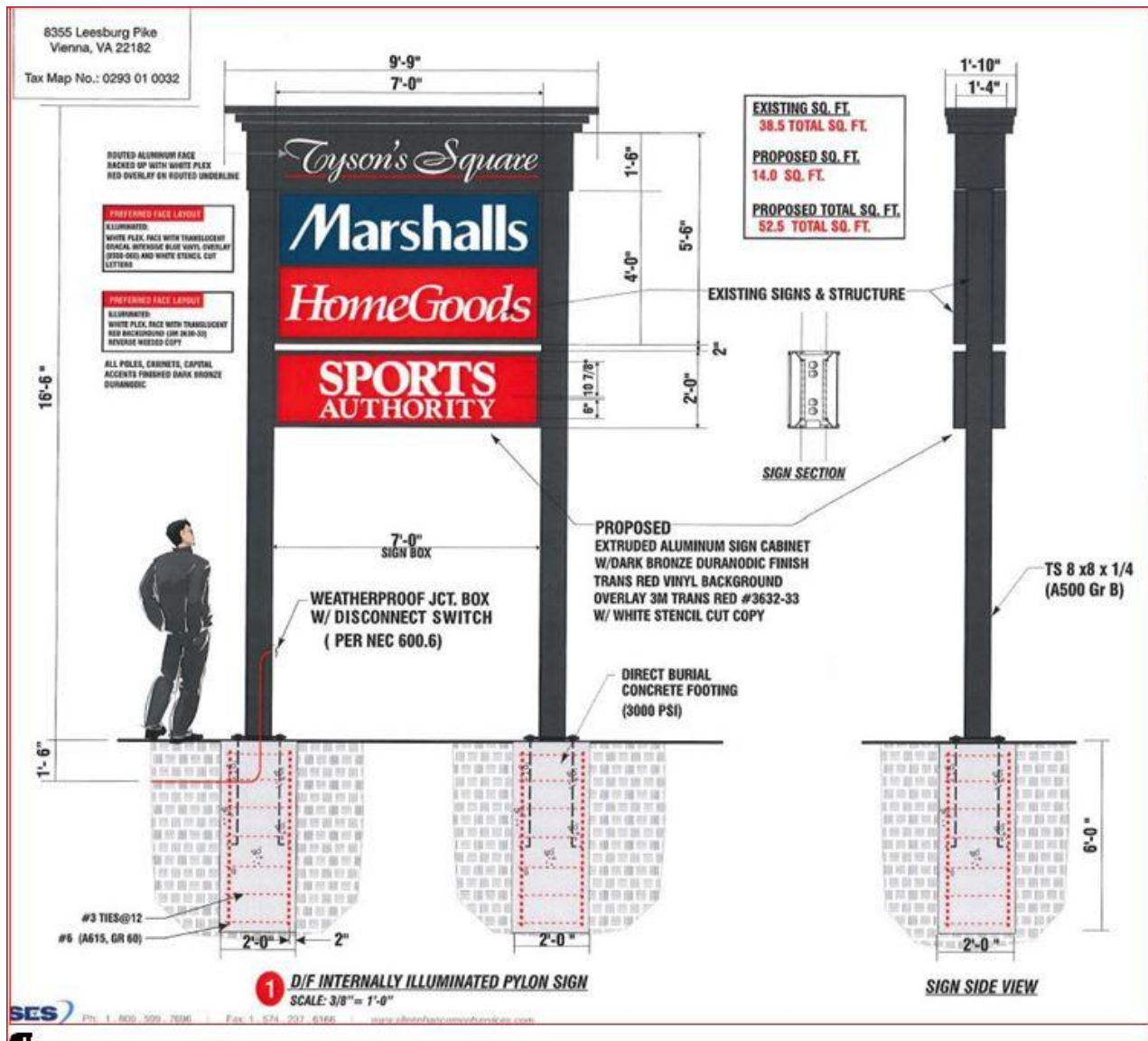
ANALYSIS

Special Exception Proposal (Copy at the front of the staff report)

Due to the limited scope of this application, the special exception plat requirement was waived. The application contained the packet of diagrams titled "Sports Authority, 8355 Leesburg Pike", prepared by SES, and dated June 2, 2014, consisting of seven sheets (listed below).

- Sheet 1: Title Page
- Sheet 2: Zoning and Location Map
- Sheet 3: Sign Location Diagram
- Sheet 4: Aerial of Site
- Sheet 5: Diagram of Sign Addition and Photo of Existing Sign
- Sheet 6: Photo of Sports Authority Store Frontage
- Sheet 7: Photo of Multi-tenant Sign of Adjoining Shopping Center (Pike 7 Plaza)

The applicant seeks to add a third panel for the Sports Authority to the shopping center's freestanding sign. This panel, shown in the diagram below, would be the same size as the existing panels for Marshalls and HomeGoods.



Land Use Analysis

The land use analysis is based on staff's review of the application in context with the Comprehensive Plan. The Plan does not contain specific language regarding signage and defers to the Tysons Corner Urban Design Guidelines. The Guidelines address incorporation of signs into the design of the redevelopment of a site. This application involves the addition of a tenant panel onto an existing multi-tenant, freestanding sign of a 1970s shopping center and does not preclude future redevelopment of the site.

The Sports Authority store is set back approximately 650 feet from Leesburg Pike. As such, the visibility of its storefront sign is limited by the buildings constructed along the perimeter of the center, between the store and Leesburg Pike. In addition, the recently

constructed Greensboro Station, situated almost directly between the store and the main road, further conceals views of the store. Further adding to the visibility limitations is the topography of the site, which slopes 10 to 20 feet downwards from Leesburg Pike to the south. Given these issues, staff believes that these conditions impact the applicant's ability to provide for reasonable identification of the use.

Transportation Analysis (Appendix 4)

Because the freestanding sign was relocated as part of the Silver Line construction and no subsequent as-built drawings or surveys were submitted to verify the new location, staff was concerned that the sign might be located within the new right-of-way line. In addition, as with all signs located near intersections, it is necessary to ensure that the relocated sign and its additional panel meet all sight distance requirements. Staff requested that the applicant demonstrate conformance with right-of-way and sight distance requirements at this time. As these exhibits were not provided with this application, staff recommends that the applicant demonstrate that sign is located outside of the right-of-way and meet all sight distance requirements prior to issuance of the sign permit. It should be noted that drawings prepared by a surveyor or engineer may be required as part of that permit application to verify that no part of the sign is located in the right-of-way and that the sign complies with sight distance requirements. This provision has been reiterated in staff's recommended conditions.

Office of Community Revitalization (OCR) Analysis (Appendix 5)

OCR staff found the proposed sign panel to for the Sports Authority to be similar in size and coordinated with the existing panels on the freestanding sign and therefore had no objections to the proposed application.

Environmental Analysis

No environmental issues were identified with this application.

ZONING ORDINANCE PROVISIONS (Appendix 6)

Special Exception

The applicant is requesting a special exception for waiver of certain sign regulations. Therefore, this application must satisfy the General Special Exception Standards (Sect. 9-006), Standards for all Category 5 uses (Sect. 9-503), the determinations listed under Waiver of Certain Sign Regulations (Sect. 9-620), the Sign Control Overlay District Standards (Sect. 7-500), and the Highway Corridor Overlay District Use Limitations (Sect. 7-608). These standards and provisions are summarized below and contained in Appendix 7.

General Special Exception Standards (Sect. 9-006)

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

As previously noted, the comprehensive plan (and its referenced design guidelines) does not contain any policies addressing signage for non-redevelopment projects.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

In accordance with Sect.12-101 of the Zoning Ordinance, the sign (and its proposed addition) is an accessory use to the principal use, a retail establishment.

3. *The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

As the addition of the third tenant sign panel will not change the height of the freestanding sign, it will not hinder or discourage the development or use of adjacent or nearby land or buildings.

4. *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

As detailed in the Transportation Analysis above, prior to installation of the additional panel, the applicant will be required to obtain the necessary sign permit from the County. Drawings prepared by a surveyor or engineer may be required as part of that application to verify that no part of the sign is located in the right-of-way and that the sign complies with sight distance requirements.

5. *In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.*

The requested sign addition will have no impact on the required landscaping and screening.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The requested sign addition will have no impact on the provided open space area.

7. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.*

This standard is not applicable to the requested sign addition.

8. *Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.*

This application involves relief from the permitted sign area stipulated in Article 12.

Waiver of Certain Sign Regulations (Sect. 9-620)

As stated in the Zoning Ordinance, the purpose of a Special Exception (SE) granted under Sect. 9-620 is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances do not provide identification as intended by the sign regulations. Sect. 9-620 states that the Board may approve an SE modifying or waiving sign regulations in accordance with the following determinations:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.

The requested SE would allow an increase in sign area for an existing freestanding sign. The SE would not permit a sign that is prohibited by Sect. 12-104.

2. *Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.*

In requesting the Special Exception, the applicant states that the additional 12.5 additional square feet of signage is necessary to improve the Sports Authority store's visibility. As previously noted, the Sports Authority store is set back approximately 650 feet from Leesburg Pike. The visibility of its storefront sign is limited by the buildings constructed along the perimeter of the shopping center and the recently constructed Greensboro Station street level landing, all situated between the store and Leesburg Pike. Further, the site's topography, which slopes 10 to 20 feet downwards from Leesburg Pike, compounds these visibility issues. The significant setback, the surrounding buildings, and downward sloping site preclude viewing the storefront sign from Leesburg Pike until one has practically arrived at the entry driveway.

3. *It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.*

As previously noted, the comprehensive plan (and its referenced design guidelines) does not contain any policies addressing signage for non-redevelopment projects.

4. *A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.*

Staff does not believe that the addition of the third tenant panel to multi-tenant freestanding sign will have any adverse impacts to existing or planned development. In accordance with Sect. 12-101 of the Zoning Ordinance, the purpose of Article 12 is to regulate signs to mitigate physical and visual impacts to the community. As conditioned, the addition of the third panel to an existing multi-tenant shopping center freestanding sign increases the visibility of one of the center's major tenants without altering the character of the community or creating traffic hazards.

Sign Control Overlay District Standards (Sect. 7-600)

The subject property is located in a Sign Control Overlay District. The purpose of this overlay district, as stated in Sect. 12-101 of the Zoning Ordinance, is to restrict:

[F]reestanding signs in the intensely developed commercial and industrial areas of the County where there is an increased need to reduce visual clutter, sight distance obstruction, and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12.

The multi-tenant, freestanding sign that is the subject of this application currently exists. Staff finds the third tenant panel, which will measure 7' x 2' in size, will be an insignificant addition to this sign. Prior to installation of the sign, the applicant will need to secure a sign permit from the County. As discussed in the Transportation Analysis of this report, compliance with sight distance and right-of-way lines will be verified prior to sign permit issuance.

Highway Corridor Overlay District Use Limitations (Sect. 7-600)

The subject property is located in a Highway Corridor Overlay District. The Zoning Ordinance provides additional regulations for drive-in financial institutions, fast food restaurants, quick-service food stores, service stations, and service station/mini-marts located in these overlay districts. The SE does not involve such businesses so therefore, the district's standards are not applicable to this request.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds the requested application in harmony with the Comprehensive Plan and in compliance with the applicable Zoning Ordinance standards.

Recommendation

Staff recommends approval of SE 2014-HM-066 subject to the proposed development conditions in Appendix 1.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this Special Exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be noted that it is not the intent of staff to recommend that the Board of Supervisors, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Transportation Analysis
5. Office of Community Revitalization Analysis
6. Applicable Zoning Ordinance Provisions
7. Glossary of Terms

Development Conditions**SE 2014-HM-066****September 16, 2015**

The Board of Supervisors approved SE 2015-HM-066 for a waiver of certain sign regulations located at Tax Map 29-3 ((1)) 32 pursuant to Section 9-620 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception diagrams approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the issuance of a Sign Permit(s). Any permit submitted pursuant to this special exception shall be in substantial conformance with the Special Exception diagrams titled "Sports Authority, 8355 Leesburg Pike", prepared by SES, and dated June 2, 2014, consisting of seven pages. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Lighting associated with all signs shall conform to the requirement of Part 9, Outdoor Lighting Standards, of Article 14, Performance Standards, of the Fairfax County Zoning Ordinance.
5. Prior to the issuance of the Sign Permit, the applicant shall demonstrate to the satisfaction of the Zoning Administrator that the freestanding sign complies with the sight distance requirements of Sect. 2-505 of the Zoning Ordinance.
6. Prior to the issuance of the Sign Permit, the applicant shall demonstrate to the satisfaction of the Zoning Administrator that the freestanding sign is located outside of the right-of-way of Leesburg Pike.
7. No unpermitted temporary advertising signs, including but not limited to banners and "popsicle" signs, shall be placed on the building or along the street frontages of the subject property. Any such signs placed by tenants shall be promptly removed by the management of the site. This shall not preclude temporary signs allowed by Article 12 that do not require permits. No signs permits shall be issued for the site if there are existing signs in violation with the Zoning Ordinance or the Special Exception conditions.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless,

at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by issuance of a sign permit in accordance with this special exception. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



RECEIVED
Department of Planning & Zoning

JUN 04 2014

Zoning Evaluation Division

June 3, 2014

County of Fairfax, Virginia
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RE: Special Exception Application | Sports Authority | 8355 Leesburg Pike

To Whom It May Concern:

Sports Authority, located at 8355 Leesburg Pike (Tyson's Square), is seeking a waiver of certain sign regulations in accordance with Sect. 9-620 of the Fairfax County Zoning Ordinance to provide relief from Sect. 12-204(3) of the Zoning Ordinance to provide identification on an existing multi-tenant freestanding sign. The sign currently contains panels for Marshalls and Home Goods. Below is a summary of the existing and proposed signage:

	Existing (square feet)	Proposed (square feet)
Tyson's Square	10.5	10.5
Marshalls	14	14
Home Goods	14	14
Sports Authority	0	14
Total Area	38.5	52.5

The addition of the Sports Authority panel brings the total area to 52.5 sq. ft., which is 12.5 sq. ft. above the maximum area of 40 sq. ft. allowed by the Zoning Ordinance. The applicant requests that the Board consider the following as it pertains to this request:

1. The requested waiver is for sign area only. The proposed signage will comply with all other applicable provisions in the Zoning Ordinance. The additional square footage is a minimal amount of relief needed for Sports Authority to have adequate visibility. The proposed 14 sq. ft. panel is the same size as the other panels that currently exist for Marshalls and Home Goods, the two other major tenants in the Tyson's Square Center.
2. The unique condition pertaining to this property is the building's setback from the adjacent roadway (Leesburg Pike). Since the storefront sits approximately 650 feet from Leesburg Pike, the wall signage is not sufficient in providing business identification to the motoring public. Installing a tenant panel on the existing freestanding sign will allow

Sports Authority to have adequate traffic visibility at a location in which the other tenants currently enjoy the same privilege.

3. The requested waiver, if granted, will be in harmony with the policies of the adopted comprehensive plan and will support the purpose and intent of the Zoning Ordinance. Not only will the proposed panel be aesthetically appealing and compatible with the wall signage employed by the businesses, the panel will give the motoring public the opportunity to identify the business safely and efficiently. Without proper placement of business signage at this location, motorists will be more likely to miss the entrance to the property. Improperly placed signage also contributes to a higher risk of traffic accident if drivers are unable to easily identify the entrance to the property.
4. Finally, the proposed waiver will not be detrimental to the surrounding properties or to the general public. The proposed signage will allow for adequate and compatible business identification at Tyson's Square Center and will afford the public the opportunity to safely locate each business in the center. Furthermore, there will be no negative impacts on traffic flow, residential activity, or natural resources. Only benefits will result from the granting of the waiver.

Thank you for your consideration.

Respectfully,

Ty Robbins

Site Enhancement Services
(855) 219-9289
tsr@siteenhancementservices.com




County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: June 19, 2015

TO: Bob Katai, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal 
Office of the County Attorney

SUBJECT: Affidavit
Application No.: SE 2014-HM-066
Applicant: Sports Authority, Inc.
PC Hearing Date: Not yet scheduled
BOS Hearing Date: Not yet scheduled

REF.: 127098

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 6/16/15, which bears my initials and is numbered 127098, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: 6/16/2015
(enter date affidavit is notarized)

I, Site Enhancement Services, Inc., Shawn Smith, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SE 2014-HM-066
(enter County-assigned application number(s), e.g., SE 88, V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Sports Authority, Inc.	1050 W Hampden Ave, Englewood, CO 80110	Applicant / Lessee to Title Owner
National Real Estate Management Corp.	9986 Manchester Road St. Louis, MO 63122	Agent/Property Manager for Title Owners Lessor
TJX Companies, Inc.	54 S. Main St., Poland, OH 44514	Lessee to Title Owners
Site Enhancement Services, Inc., d/b/a of North American Signs	6001 Nimtz Pkwy., South Bend, IN 46628	Authorized Agent / Representative for Applicant/ Lessee
Agent: Shawn Smith		
Trulie Investment Corporation	9986 Manchester Road, St. Louis, MO 63122	Title Owner/Lessor to Applicant
Joray Realty Corporation	9986 Manchester Road, St. Louis, MO 63122	Title Owner/Lessor to Applicant
Antonoff Family Trust Partnership, LLP	1528 Wazee Street, Denver, CO 80202	Title Owner/ Lessor to Applicant
MLK Associates, LLC	9986 Manchester Road, St. Louis, MO, 63122	Ground Tenant/ Lessee

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 6/16/2015
(enter date affidavit is notarized)

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number(s))

127098

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Sports Authority, Inc, 1050 West Hampden Avenue, Englewood CO, 80110

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Leonard Green & Partners L.P

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: 6/16/2015
(enter date affidavit is notarized)

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number (s))

127098

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

MLK Associates, LLC
9986 Manchester Road
St. Louis, MO 63122

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

MLK Associates Limited Partnership

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

National Real Estate Management Corporation
9986 Manchester Road
St. Louis, MO 63122

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Linda G. Renner	Vice President, Secretary and Director
Thomas R. Green, Jr.	General Partner
Katherine A. Weber	General Partner

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 6/16/2015
(enter date affidavit is notarized)

121098

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Joray Realty Corporation
9986 Manchester Road
St. Louis, MO 63122

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Thomas R. Green	President and Director
Linda G. Renner	Director
Thomas R. Green, JR	General Partner
Katherine A. Weber	General Partner

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Trullie Investment Corporation
9986 Manchester Road
St. Louis, MO 63122

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Thomas R. Green	President and Director
Karole R. Green	Treasurer and Director

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 6/16/2015
(enter date affidavit is notarized)for Application No. (s): SE 2014-HM-066
(enter County-assigned application number (s))

127098

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Site Enhancement Services, Inc. d/b/a of North American Signs
3601 West Lathrop Street
South Bend, IN 46628DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

John M Yarger

Site Enhancement Services is a doing business as North American Sign, which is owned by John M Yarger.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 6/16/2015
(enter date affidavit is notarized)

127098

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

The TJX Companies, Inc.
770 Cochituate Road
Framingham, MA 01701

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
The TJX Companies, Inc. has hundreds of shareholders, and is publicly traded on NYSE.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 6/16/2015
(enter date affidavit is notarized)

127098

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

MLK Associates Limited Partnership, 9986 Manchester Road, St. Louis, MO 63122

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Antonoff Family Trust Partnership, LLP	General and Limited Partner
Thomas R. Green	General and Limited Partner
Karole R. Green	Limited Partner
Katherine A. Weber	Limited Partner
Linda G. Renner	Limited Partner
Matthias D. Renner	Limited Partner

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

DATE: 6/16/2015
(enter date affidavit is notarized)

127098

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Antonoff Family Trust Partnership, LLP
1528 Wazee Street
Denver, CO 80202

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Gary L. Antonoff	General Partner
Douglas S. Antonoff	General Partner
Steven R. Antonoff	General Partner
Wendy A. Berman	General Partner
Allan E. Lackner	General Partner
James D. Lackner	General Partner
Jeffery M. Lackner	General Partner
Robert S. Lackner	General Partner

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 6/16/2015
(enter date affidavit is notarized)

127048

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Leonard Green & Partners, L.P.
11111 Santa Monica Boulevard
Los Angeles, CA 90025

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

John M. Baumer	General Partner
Timothy J. Flynn	General Partner
W. Christian McCollum	General Partner
Todd M. Purdy	General Partner
Jonathan A. Seiffer	General Partner
Michael S. Solomon	General Partner
John G. Danhaki	Managing Partner
Jonathan D. Sokoloff	Managing Partner

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 6/16/2015
(enter date affidavit is notarized)

127098

for Application No. (s): SE 2014-HM-066
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 6/16/2015
(enter date affidavit is notarized)

127098

Application No.(s): SE 2014-HM-066
(county-assigned application number(s), to be entered by County Staff)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☒ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) ☒ Applicant ☐ Applicant's Authorized Agent

Shawn Smith, Zoning Specialist, Site Enhancement Services
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 16 day of June, 2015, in the State/Comm. of Indiana, County/City of St. Joseph.

Joseph L. Shugart
Notary Public

My commission expires: 8/26/17



County of Fairfax, Virginia

MEMORANDUM

DATE: November 18, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Michael A. Davis, Acting Chief
Site Analysis Section, DOT

FILE: 3-5(SE 2014-HM-066)

SUBJECT: SE 2014-HM-066; Sports Authority, Inc.
Tax Map: 029-3 ((1)) 0032

This department has reviewed the SE application. The proposed relocated sign should not interfere with sight distance. The applicant should also show that the relocated sign is not in the public right-of-way.

MAD/AY



County of Fairfax, Virginia

MEMORANDUM

DATE: November 10, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division,
Department of Planning & Zoning

FROM: *Barbara Berlin*
Barbara A. Byron, Director
Office of Community Revitalization

SUBJECT: OCR Comments – Sports Authority, Inc.
SE 2014-PR-066

The Office of Community Revitalization (OCR) has reviewed the above referenced Special Exception application dated September 30, 2014.

The applicant proposes to add a 14 sq.ft. sign panel to an existing multi-tenant freestanding sign. The proposed sign panel for the Sports Authority is of similar size and is coordinated with the existing panels on the freestanding sign for Marshalls and Home Goods.

OCR has no objections regarding the proposed application.

CC: Bob Katai, DPZ/ZED/PD
Scott Sizer, Revitalization Program Manager, OCR
OCR File

Office of Community Revitalization
12055 Government Center Parkway, Suite 1048
Fairfax, VA 22035
703-324-9300, TTY 711
www.fcrevet.org



ARTICLE 9 SPECIAL EXCEPTIONS

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-620 Waiver of Certain Sign Regulations

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.
2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.
4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

ARTICLE 12 SIGNS

12-101 Purpose and Intent

The purpose of this Article is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the various communities in the County, to facilitate the creation of a convenient, attractive and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the stated purpose and intent of this Ordinance.

Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory use to the principal use.

It is further intended that all signs within a given development be coordinated with the architecture of the principal use in such a manner that the overall appearance is harmonious in color, form and proportion, and that the signs shall be structurally sound so as to ensure the safety of the general public.

12-204 Commercial and Industrial Uses in Sign Control Overlay Districts

The following regulations shall supplement the provisions set forth in Sections 203 and 207, and shall apply to all uses located on commercially and industrially zoned land within those areas designated on the Official Zoning Map as a Sign Control Overlay District, which district is established by the provisions of Part 5 of Article 7.

1. Building-mounted signs shall be limited to the sign area as specified in Sections 203 and 207.
2. An individual enterprise with frontage on a primary highway or major thoroughfare which is not located within or on the same lot with a shopping center shall be permitted one (1) freestanding sign. Such sign shall be limited to a maximum sign area of forty (40) square feet.
3. Shopping centers shall be permitted freestanding signs in accordance with the provisions of Par. 10 of Sect. 203 above. Such signs shall be limited to a maximum sign area of forty (40) square feet.
4. Office parks shall be permitted freestanding signs in accordance with the provisions of Par. 13 of Sect. 203 above.
5. Industrial parks shall be permitted freestanding signs in accordance with the provisions of Par. 12 of Sect. 207 below.
6. Hospitals shall be permitted signs in accordance with the provisions of Par. 14 of Sect. 203 above.

ARTICLE 7

OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

PART 5 7-500 SIGN CONTROL OVERLAY DISTRICT

7-501 Purpose and Intent

Sign Control Overlay Districts are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of the County where there is an increased need to reduce visual clutter, sight distance obstructions and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12.

This district shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district

PART 6 7-600 HIGHWAY CORIDOR OVERLAY DISTRICT

7-601 Purpose and Intent

In furtherance of the purposes set forth in Sections 15.2-2200, 15.2-2283, 15.2-2284 and 15.2-1200 of Va. Code Ann. and, in general, to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the public and private streets, a limitation is placed on certain automobile oriented, fast service, or quick turn-over uses by the imposition of the Highway Corridor Overlay District. Except as allowed by right or except as qualified by Sections 607 and 608 below, the following uses shall be regulated in the Highway Corridor Overlay District:

1. Drive-in financial institutions.
2. Fast food restaurants.
3. Quick-service food stores.
4. Service stations.
5. Service station/mini-marts.

Nothing herein shall be construed so as to impair a vested right.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		